



# Federal Register

---

**12-28-04**

**Vol. 69 No. 248**

**Tuesday**

**Dec. 28, 2004**

**Pages 77609-77880**



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.archives.gov](http://www.archives.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** [www.gpoaccess.gov/nara](http://www.gpoaccess.gov/nara), available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at [gpoaccess@gpo.gov](mailto:gpoaccess@gpo.gov). The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 69 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 202-741-6005  
Assistance with Federal agency subscriptions 202-741-6005

### What's NEW!

#### Federal Register Table of Contents via e-mail

Subscribe to FEDREGTOC, to receive the **Federal Register** Table of Contents in your e-mail every day.

If you get the HTML version, you can click directly to any document in the issue.

To subscribe, go to <http://listserv.access.gpo.gov> and select:

*Online mailing list archives*

*FEDREGTOC-L*

*Join or leave the list*

Then follow the instructions.

### What's NEW!

#### Regulations.gov, the award-winning Federal eRulemaking Portal

Regulations.gov is the one-stop U.S. Government web site that makes it easy to participate in the regulatory process.

Try this fast and reliable resource to find all rules published in the **Federal Register** that are currently open for public comment. Submit comments to agencies by filling out a simple web form, or use available e-mail addresses and web sites.

The Regulations.gov e-democracy initiative is brought to you by NARA, GPO, EPA and their eRulemaking partners.

Visit the web site at: <http://www.regulations.gov>



# Contents

**Federal Register**

Vol. 69, No. 248

Tuesday, December 28, 2004

## **Agricultural Marketing Service**

### **RULES**

Fish and shellfish; mandatory country of origin labeling, 77609

## **Agriculture Department**

*See* Agricultural Marketing Service

*See* Foreign Agricultural Service

*See* Forest Service

*See* Rural Housing Service

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77707–77708

## **Army Department**

*See* Engineers Corps

### **PROPOSED RULES**

Freedom of Information Act Program; implementation, 77835–77868

### **NOTICES**

Privacy Act:

Systems of records, 77741–77744

## **Centers for Disease Control and Prevention**

### **NOTICES**

Grant and cooperative agreement awards:

National Cancer Prevention and Control Program, 77755

Organization, functions, and authority delegations:

Global Migration and Quarantine Division, National Center for Infectious Diseases, 77756

## **Children and Families Administration**

### **RULES**

Child Support Enforcement Program:

Child support orders review and adjustment; reasonable quantitative standard, 77659–77661

## **Civil Rights Commission**

### **NOTICES**

Meetings; Sunshine Act, 77713–77714

## **Coast Guard**

### **PROPOSED RULES**

Ports and waterways safety:

Fifth Coast Guard District; safety zone, 77684–77687

## **Commerce Department**

*See* Economic Development Administration

*See* Industry and Security Bureau

*See* International Trade Administration

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

*See* Patent and Trademark Office

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77714

## **Commodity Futures Trading Commission**

### **NOTICES**

Meetings:

Global Markets Advisory Committee, 77734–77735

## **Comptroller of the Currency**

### **RULES**

Fair and Accurate Credit Transactions Act; implementation: Consumer information; proper disposal, 77610–77621

## **Copyright Office, Library of Congress**

### **RULES**

Copyright office and procedures:

Registration refusal reconsideration procedures, 77636–77637

## **Defense Department**

*See* Army Department

*See* Engineers Corps

### **RULES**

Federal Acquisition Regulation (FAR):

Free trade agreements—

Australia and Morocco, 77869–77879

Introduction, 77869–77870

Small entity compliance guide, 77878–77879

### **NOTICES**

Arms sales notification; transmittal letter, etc., 77735–77739

Meetings:

President's Information Technology Advisory Committee, 77739

Science Board task forces, 77739–77741

## **Economic Development Administration**

### **NOTICES**

Grants and cooperative agreements; availability, etc.:

Economic development assistance programs, 77714–77716

National Technical Assistance Program, 77716–77718

University Center Program, 77718–77720

## **Education Department**

### **NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77745–77747

## **Energy Department**

*See* Federal Energy Regulatory Commission

### **NOTICES**

Meetings:

Environmental Management Site-Specific Advisory Board—

Fernald Site, OH, 77747

High Energy Physics Advisory Panel, 77747–77748

Nuclear Energy Research Advisory Committee, 77748

## **Engineers Corps**

### **NOTICES**

Environmental statements; notice of intent:

Hackensack Meadowlands Ecosystem Restoration Project, NJ, 77744

Passaic River Ecosystem Restoration Project, NJ, 77744–77745

## **Environmental Protection Agency**

### **RULES**

Air quality implementation plans; approval and promulgation; various States:

District of Columbia, 77639–77650

**Practice and procedure:**

Environmental Appeals Board; clarification of address for documents filed, 77637–77639

**PROPOSED RULES**

Air quality implementation plans; approval and promulgation; various States:

District of Columbia, 77687–77690

Solid waste:

Hazardous waste; identification and listing—

Exclusions, 77690–77700

**NOTICES**

Meetings:

Environmental Laboratory Advisory Board, 77753–77754

Environmental Policy and Technology National Advisory Council, 77754

**Executive Office of the President****NOTICES**

Meetings:

Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction Commission, 77754–77755

**Federal Aviation Administration****PROPOSED RULES**

Airworthiness directives:

Boeing, 77675–77676

CFM International, 77677–77678

**Federal Deposit Insurance Corporation****RULES**

Fair and Accurate Credit Transactions Act; implementation: Consumer information; proper disposal, 77610–77621

**Federal Emergency Management Agency****RULES**

National Flood Insurance Program:

Communities eligible for sale, 77650–77659

**Federal Energy Regulatory Commission****NOTICES**

Electric rate and corporate regulation filings, 77750–77752

Meetings:

Freebird Gas Storage, L.L.C.; site visit, 77752–77753

Off-the-record communications, 77753

*Applications, hearings, determinations, etc.:*

Cameron LNG, LLC, 77748–77749

Destin Pipeline Company, L.L.C., 77749

Enbridge Pipelines (KPC), 77749

Southern Star Central Gas Pipeline, Inc., 77750

**Federal Motor Carrier Safety Administration****NOTICES**

Reports and guidance documents; availability, etc.:

Motor Carrier Safety Improvement Act of 1999, Section 222; policy statement clarification, 77828–77830

**Federal Reserve System****RULES**

Fair and Accurate Credit Transactions Act; implementation: Consumer information; proper disposal, 77610–77621

**NOTICES**

Meetings; Sunshine Act, 77755

**Financial Management Service**

See Fiscal Service

**Fiscal Service****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77831–77832

Surety and reinsuring companies:

Application and renewal fees, 77832–77833

**Fish and Wildlife Service****PROPOSED RULES**

Endangered and threatened species:

Critical habitat designations—

California and Southern Oregon; vernal pool crustaceans and plants, 77700–77703

Fish slough milk-vetch, 77703–77706

**NOTICES**

Endangered and threatened species:

Recovery plans—

Otay tarplant, 77770–77771

**Food and Drug Administration****RULES**

Medical devices:

Gastroenterology-urology devices—

External penile rigidity devices; classification, 77621–77623

Obstetrical and gynecological devices—

Assisted reproduction laser system; classification, 77623–77624

**NOTICES**

Reports and guidance documents; availability, etc.:

Medical devices—

Assisted reproduction laser systems; Class II special controls, 77756–77757

External penile rigidity devices; Class II special controls, 77757–77758

**Foreign Agricultural Service****NOTICES**

Trade adjustment assistance eligibility determination petitions:

Louisiana Shrimp Association, 77708

Organized Seafood Association of Alabama, Inc., 77708–77709

**Forest Service****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77709

Environmental statements; notice of intent:

Coconino National Forest, AZ, 77709–77711

Meetings:

Eastern Washington Cascades Provincial Advisory Committee, 77711

Northwest Sacramento Provincial Advisory Committee, 77711–77712

Opal Creek Scenic Recreation Area Advisory Council, 77712

Resource Advisory Committees—

Glenn/Colusa County, 77712

Ketchikan, 77713

Shasta County, 77713

Tehama County, 77712

Privacy Act:

System of records, 77713

**General Services Administration****RULES**

## Acquisition regulations:

Federal Procurement Data System; direct access by non-governmental entities, 77661–77663

## Federal Acquisition Regulation (FAR):

Free trade agreements—

Australia and Morocco, 77869–77879

Introduction, 77869–77870

Small entity compliance guide, 77878–77879

**Geological Survey****NOTICES**

## Meetings:

Scientific Earthquake Studies Advisory Committee, 77771

**Health and Human Services Department**

*See* Centers for Disease Control and Prevention

*See* Children and Families Administration

*See* Food and Drug Administration

*See* National Institutes of Health

*See* Substance Abuse and Mental Health Services Administration

**Homeland Security Department**

*See* Coast Guard

*See* Federal Emergency Management Agency

*See* U.S. Citizenship and Immigration Services

**Housing and Urban Development Department****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77768–77769

**Industry and Security Bureau****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77720–77722

**Interior Department**

*See* Fish and Wildlife Service

*See* Geological Survey

*See* Land Management Bureau

*See* National Park Service

**NOTICES**

## Meetings:

Delaware and Lehigh National Heritage Corridor Commission, 77769–77770

Exxon Valdez Oil Spill Public Advisory Committee, 77770

**Internal Revenue Service****RULES**

## Income taxes:

New markets tax credit, 77625–77636

**PROPOSED RULES**

## Income taxes:

Pension plan distributions under a phased retirement program; correction, 77678–77679

**NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77833

**International Trade Administration****NOTICES**

## Antidumping:

Bulk aspirin from—  
China, 77726–77727

Stainless steel plate in coils from—

Belgium, 77727

Antidumping proceedings involving non-market economy countries; separate rates practice, 77722–77726

## Meetings:

United States Travel and Tourism Promotion Advisory Board, 77727–77728

**International Trade Commission****NOTICES**

## Import investigations:

Carbazole violet pigment 23 from—

China and India, 77776

Lens-fitted film packages, 77776

Purple protective gloves, 77776–77777

Shirts with pucker-free seams and methods of producing same, 77777–77778

U.S.-Central America Free Trade Agreement; potential economywide and selected sectoral effects, 77778–77779

Wooden bedroom furniture from—

China, 77779

**Land Management Bureau****NOTICES**

## Meetings:

Resource Advisory Councils—  
Arizona, 77771

**Library of Congress**

*See* Copyright Office, Library of Congress

**National Aeronautics and Space Administration****RULES**

## Federal Acquisition Regulation (FAR):

Free Trade Agreements—

Australia and Morocco, 77869–77879

Introduction, 77869–77870

Small entity compliance guide, 77878–77879

**National Highway Traffic Safety Administration****RULES**

## Fuel economy standards:

Credits and fines; manufacturer rights and responsibilities in corporate relationships changes context, 77663–77672

**National Institute of Standards and Technology****NOTICES**

## Meetings:

Weights and Measures National Conference, 77728–77730

**National Institutes of Health****NOTICES**

## Meetings:

National Cancer Institute, 77758–77759

National Center for Complementary and Alternative Medicine, 77759–77760

National Heart, Lung, and Blood Institute, 77760

National Institute of Allergy and Infectious Diseases, 77760–77761

National Institute of Mental Health, 77761–77762

National Library of Medicine, 77762–77763

Scientific Review Center, 77763

**National Oceanic and Atmospheric Administration****RULES**

Fishery conservation and management:

Northeastern United States fisheries—  
Summer flounder, 77674

International fisheries regulations:

Northwest Atlantic Fisheries Organization Regulatory  
Area; U.S. fish quotas and effort allocation, 77672–  
77674

**NOTICES**

Endangered and threatened species:

Anadromous fish take—  
Lower Columbia Fisheries Enhancement Group;  
salmonid, 77730

Meetings:

Mid-Atlantic Fishery Management Council, 77730–77731  
New England Fishery Management Council, 77731

Permits:

Endangered and threatened species, 77731–77732  
Marine mammals, 77732

**National Park Service****NOTICES**

Environmental statements; availability, etc.:

Big Thicket National Preserve, TX, 77771–77772  
Big Thicket National Preserve, TX; plan of operations and  
floodplain and wetlands statements; correction,  
77771

First Ladies National Historic Site, OH, 77772

Isle Royale National Park, MI; wilderness and  
backcountry management plan, 77772–77773

Point Reyes National Seashore, CA, 77773

Rio Grande Wild and Scenic River, TX, 77773–77774

Environmental statements; record of decision:

Arlington County Virginia Potomac Interceptor Sewer  
System, VA, 77774

Pictured Rocks National Lakeshore, MI, 77774–77775

Meetings:

Acadia National Park Advisory Commission, 77775  
Chesapeake and Ohio Canal National Historical Park  
Advisory Commission, 77775

Flight 93 National Memorial Advisory Commission,  
77775–77776

**Nuclear Regulatory Commission****NOTICES**

Meetings; Sunshine Act, 77781–77782

*Applications, hearings, determinations, etc.:*

Army Department; Research Development and  
Engineering Command, 77779–77781

**Patent and Trademark Office****NOTICES**

Agency information collection activities; proposals,  
submissions, and approvals, 77732–77734

**Pension Benefit Guaranty Corporation****PROPOSED RULES**

Electronic filing; annual and actuarial information, 77679–  
77684

**Public Debt Bureau**

See Fiscal Service

**Rural Housing Service****RULES**

Multi-family housing programs:

Direct multi-family housing loans and grants, 77609–  
77610

**Securities and Exchange Commission****NOTICES**

Securities:

Suspension of trading—  
Artec, Inc., 77788

Self-regulatory organizations; proposed rule changes:

American Stock Exchange LLC, 77788–77789

Chicago Board Options Exchange, Inc., 77790–77795

Chicago Stock Exchange, Inc., 77796–77802

Depository Trust Co., 77802–77804

New York Stock Exchange, Inc. and National Association  
of Securities Dealers, Inc., 77804–77816

*Applications, hearings, determinations, etc.:*

Merrill Lynch Life Insurance Group, et al., 77782–77788

**Small Business Administration****NOTICES**

Interest rates; quarterly determinations, 77816

**Social Security Administration****NOTICES**

Privacy Act:

Systems of records, 77816–77826

**State Department****NOTICES**

Art objects; importation for exhibition:

Jacques-Louis David: Empire to Exile, 77826–77827

Renaissance and Baroque Bronzes from the Collection of  
the Fitzwilliam Museum, University of Cambridge,  
77827

Meetings:

Cultural Diplomacy Advisory Committee, 77827

Cultural Property Advisory Committee, 77827–77828

**Substance Abuse and Mental Health Services  
Administration****NOTICES**

Agency information collection activities; proposals,  
submissions, and approvals, 77763–77764

**Surface Transportation Board****NOTICES**

Rail carriers:

Control exemptions—

Broe, Patrick D., et al., 77830–77831

Railroad operation, acquisition, construction, etc.:

Kettle Falls International Railway, LLC, 77831

**Thrift Supervision Office****RULES**

Fair and Accurate Credit Transactions Act; implementation:

Consumer information; proper disposal, 77610–77621

**Transportation Department**

See Federal Aviation Administration

See Federal Motor Carrier Safety Administration

See National Highway Traffic Safety Administration

See Surface Transportation Board

**NOTICES**

Aviation proceedings:

Agreements filed; weekly receipts, 77828

Certificates of public convenience and necessity and foreign  
air carrier permits; weekly applications, 77828

**Treasury Department**

See Comptroller of the Currency

See Fiscal Service

See Internal Revenue Service  
See Thrift Supervision Office

**U.S. Citizenship and Immigration Services****NOTICES**

Agency information collection activities; proposals, submissions, and approvals, 77764–77767

**Immigration:**

Direct mail program—

Adjustment of status application, employment authorization, and travel authorization; filing address; correction, 77768

**Veterans Affairs Department****NOTICES**

Compensation, pension, burial, and related benefits:

Outer burial receptacle use in VA national cemetery, private purchase allowance, 77833–77834

Inventions, Government-owned; availability for licensing, 77834

**Separate Parts In This Issue****Part II**

Defense Department, Army Department, 77835–77868

**Part III**

Defense Department; General Services Administration; National Aeronautics and Space Administration, 77869–77879

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

**7 CFR**

60.....	77609
1806.....	77609
1822.....	77609
1902.....	77609
1925.....	77609
1930.....	77609
1940.....	77609
1942.....	77609
1944.....	77609
1951.....	77609
1955.....	77609
1956.....	77609
1965.....	77609
3560.....	77609
3565.....	77609

**12 CFR**

30.....	77610
41.....	77610
208.....	77610
211.....	77610
222.....	77610
225.....	77610
334.....	77610
364.....	77610
568.....	77610
570.....	77610
571.....	77610

**14 CFR****Proposed Rules:**

39 (2 documents) .....	77675, 77677
------------------------	-----------------

**21 CFR**

876.....	77621
884.....	77623

**26 CFR**

1.....	77625
602.....	77625

**Proposed Rules:**

1 (2 documents) .....	77678, 77679
-----------------------	-----------------

**29 CFR****Proposed Rules:**

4000.....	77679
4010.....	77679

**32 CFR****Proposed Rules:**

518.....	77836
----------	-------

**33 CFR****Proposed Rules:**

165.....	77684
----------	-------

**37 CFR**

202.....	77636
211.....	77636
212.....	77636

**40 CFR**

22.....	77637
52 (4 documents) .....	77639, 77642, 77645, 77647

**Proposed Rules:**

52 (4 documents) .....	77687, 77688, 77689, 77690
261.....	77690

**44 CFR**

64.....	77650
---------	-------

**45 CFR**

303.....	77659
----------	-------

**48 CFR**

Ch. 1 (2 documents) .....	77870, 77879
---------------------------	--------------

5.....	77870
6.....	77870
9.....	77870
12.....	77870
14.....	77870
17.....	77870
22.....	77870
25.....	77870
52.....	77870
504.....	77661

**49 CFR**

534.....	77663
----------	-------

**50 CFR**

300.....	77672
648.....	77674

**Proposed Rules:**

17 (2 documents) .....	77703, 77706
------------------------	-----------------